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HOUSE BILL 116

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Gail C. Beam

AN ACT

RELATING TO ALCOHOL; CREATING A DRUNKBUSTERS HOTLINE TO REPORT  
DWI AND THE SALE OR PROVISION OF ALCOHOL TO PERSONS UNDER  
TWENTY-ONE YEARS OF AGE; CREATING A FUND; ESTABLISHING A FEE;  
MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. [NEW MATERIAL] DRUNKBUSTERS HOTLINE--  
CREATION-- PURPOSE. --

A. The department of public safety shall establish  
and operate the "drunkbusters hotline", a toll-free twenty-  
four-hour telephone service, available to the public for  
reporting:

(1) a person suspected of driving under the  
influence of intoxicating liquor or drugs;

(2) a vehicle suspected of being driven in

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1 violation of Section 66-8-102 NMSA 1978; and

2 (3) the sale or provision of alcohol to a  
3 person under twenty-one years of age.

4 B. The drunkbusters hotline shall be accessible  
5 daily to all areas of the state.

6 C. A caller who provides information to the  
7 drunkbusters hotline that leads to an arrest may be entitled to  
8 a reward in an amount up to one hundred dollars (\$100), as  
9 determined by the secretary of public safety.

10 Section 2. [NEW MATERIAL] DRUNKBUSTERS FUND CREATED--  
11 DRUNKBUSTERS FEE-- APPROPRIATION. --

12 A. The "drunkbusters fund" is created in the state  
13 treasury to be administered by the department of public safety.  
14 Income from the fund and gifts, grants, bequests, donations and  
15 appropriations to the fund shall be credited to the fund.  
16 Balances in the fund shall not revert to the general fund at  
17 the end of any fiscal year.

18 B. All balances in the drunkbusters fund are  
19 appropriated to the department of public safety for the purpose  
20 of establishing and operating the drunkbusters hotline and for  
21 paying rewards to persons who provide information that leads to  
22 an arrest.

23 C. A "drunkbusters fee" shall be collected on  
24 penalty assessment misdemeanors and deposited in the  
25 drunkbusters fund.

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1                   D. Payments from the drunkbusters fund shall be  
2 made upon vouchers issued and signed by the secretary of public  
3 safety upon warrants drawn by the department of finance and  
4 administration.

5                   Section 3. Section 35-6-1 NMSA 1978 (being Laws 1968,  
6 Chapter 62, Section 92, as amended) is amended to read:

7                   "35-6-1. MAGISTRATE COSTS--SCHEDULE--DEFINITION OF  
8 "CONVICTED".--

9                   A. Magistrate judges, including metropolitan court  
10 judges, shall assess and collect and shall not waive, defer or  
11 suspend the following costs:

12                   docket fee, criminal actions under Section 29-5-1 NMSA  
13 1978 . . . . . \$ 1.00;

14                   docket fee, to be collected prior to docketing any other  
15 criminal action, except as provided in Subsection B  
16 of Section 35-6-3 NMSA 1978 . . . . . 20.00.

17                   Proceeds from this docket fee shall be transferred  
18 to the administrative office of the courts for  
19 deposit in the court facilities fund;

20                   docket fee, ten dollars (\$10.00) of which shall be  
21 deposited in the court automation fund and fifteen  
22 dollars (\$15.00) of which shall be deposited in the  
23 civil legal services fund, to be collected prior to  
24 docketing any civil action, except as provided in  
25 Subsection A of Section 35-6-3 NMSA 1978 . . 62.00;

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1 jury fee, to be collected from the party demanding trial  
2 by jury in any civil action at the time the demand  
3 is filed or made . . . . . 25.00;

4 copying fee, for making and certifying copies of any  
5 records in the court, for each page copied by  
6 photographic process . . . . . .50.

7 Proceeds from this copying fee shall be transferred  
8 to the administrative office of the courts for  
9 deposit in the court facilities fund; and

10 copying fee, for computer-generated or electronically  
11 transferred copies, per page . . . . . 1.00.

12 Proceeds from this copying fee shall be transferred  
13 to the administrative office of the courts for  
14 deposit in the court automation fund.

15 Except as otherwise specifically provided by law, docket  
16 fees shall be paid into the court facilities fund.

17 B. Except as otherwise provided by law, no other  
18 costs or fees shall be charged or collected in the magistrate  
19 or metropolitan court.

20 C. The magistrate or metropolitan court may grant  
21 free process to any party in any civil proceeding or special  
22 statutory proceeding upon a proper showing of indigency. The  
23 magistrate or metropolitan court may deny free process if it  
24 finds that the complaint on its face does not state a cause of  
25 action.

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1           D. As used in this subsection, "convicted" means the  
2 defendant has been found guilty of a criminal charge by the  
3 magistrate or metropolitan judge, either after trial, a plea of  
4 guilty or a plea of nolo contendere. Magistrate judges,  
5 including metropolitan court judges, shall assess and collect  
6 and shall not waive, defer or suspend the following costs:

7                   (1) corrections fee, to be collected upon  
8 conviction from persons convicted of violating any provision of  
9 the Motor Vehicle Code involving the operation of a motor  
10 vehicle, convicted of a crime constituting a misdemeanor or a  
11 petty misdemeanor or convicted of violating any ordinance that  
12 may be enforced by the imposition of a term of imprisonment as  
13 follows:

- 14           in a county with a metropolitan court . . . . . \$10.00;
- 15           in a county without a metropolitan court . . . . . 20.00;

16                   (2) court automation fee, to be collected upon  
17 conviction from persons convicted of violating any provision of  
18 the Motor Vehicle Code involving the operation of a motor  
19 vehicle, convicted of a crime constituting a misdemeanor or a  
20 petty misdemeanor or convicted of violating any ordinance that  
21 may be enforced by the imposition of a term of  
22 imprisonment . . . . . 10.00;

23                   (3) traffic safety fee, to be collected upon  
24 conviction from persons convicted of violating any provision of  
25 the Motor Vehicle Code involving the operation of a motor

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1 vehicle . . . . . 3.00;

2 (4) judicial education fee, to be collected upon  
3 conviction from persons convicted of operating a motor vehicle  
4 in violation of the Motor Vehicle Code, convicted of a crime  
5 constituting a misdemeanor or a petty misdemeanor or convicted  
6 of violating any ordinance punishable by a term of  
7 imprisonment . . . . . 2.00;

8 (5) brain injury services fee, to be collected  
9 upon conviction from persons convicted of violating any  
10 provision of the Motor Vehicle Code involving the operation of  
11 a motor vehicle . . . . . 5.00;

12 [~~and~~]

13 (6) drunkbusters fee, to be collected upon  
14 conviction from persons convicted of violating any provision of  
15 the Motor Vehicle Code involving the operation of a motor  
16 vehicle . . . . . 3.00;

17 and

18 [~~(6)~~] (7) court facilities fee, to be collected  
19 upon conviction from persons convicted of violating any  
20 provision of the Motor Vehicle Code involving the operation of  
21 a motor vehicle, convicted of a crime constituting a  
22 misdemeanor or a petty misdemeanor or convicted of violating  
23 any ordinance that may be enforced by the imposition of a term  
24 of imprisonment as follows:

25 in a county with a metropolitan court . . . . . 24.00;

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1           in any other county . . . . . 10.00.

2           E. Metropolitan court judges shall assess and collect  
3 and shall not waive, defer or suspend as costs a mediation fee  
4 not to exceed five dollars (\$5.00) for the docketing of small  
5 claims and criminal actions specified by metropolitan court  
6 rule. Proceeds of the mediation fee shall be deposited into  
7 the metropolitan court mediation fund. "

8           Section 4. Section 66-8-116.3 NMSA 1978 (being Laws 1989,  
9 Chapter 320, Section 5, as amended) is amended to read:

10           "66-8-116.3. PENALTY ASSESSMENT MISDEMEANORS-- ADDITIONAL  
11 FEES.--In addition to the penalty assessment established for  
12 each penalty assessment misdemeanor, there shall be assessed:

13           A. in a county without a metropolitan court, twenty  
14 dollars (\$20.00) to help defray the costs of local government  
15 corrections;

16           B. a court automation fee of ten dollars (\$10.00);

17           C. a traffic safety fee of three dollars (\$3.00),  
18 which shall be credited to the traffic safety education and  
19 enforcement fund;

20           D. a judicial education fee of two dollars (\$2.00),  
21 which shall be credited to the judicial education fund;

22           E. a brain injury services fee of five dollars  
23 (\$5.00), which shall be credited to the brain injury services  
24 fund; [and]

25           F. a drunkbusters fee of three dollars (\$3.00), which

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1 shall be credited to the drunkbusters fund; and

2 [~~F-~~] G. a court facilities fee as follows:

3 in a county with a metropolitan court . . . . . \$24.00;

4 in any other county . . . . . 10.00. "

5 Section 5. Section 66-8-119 NMSA 1978 (being Laws 1968,  
6 Chapter 62, Section 159, as amended) is amended to read:

7 "66-8-119. PENALTY ASSESSMENT REVENUE--DISPOSITION.--

8 A. The division shall remit all penalty assessment  
9 receipts, except receipts collected pursuant to Subsections A  
10 through [~~F~~] G of Section 66-8-116.3 NMSA 1978, to the state  
11 treasurer for credit to the general fund.

12 B. The division shall remit all penalty assessment  
13 fee receipts collected pursuant to:

14 (1) Subsection A of Section 66-8-116.3 NMSA 1978  
15 to the state treasurer for credit to the local government  
16 corrections fund;

17 (2) Subsection B of Section 66-8-116.3 NMSA 1978  
18 to the state treasurer for credit to the court automation fund;

19 (3) Subsection C of Section 66-8-116.3 NMSA 1978  
20 to the state treasurer for credit to the traffic safety  
21 education and enforcement fund;

22 (4) Subsection D of Section 66-8-116.3 NMSA 1978  
23 to the state treasurer for credit to the judicial education  
24 fund;

25 (5) Subsection E of Section 66-8-116.3 NMSA 1978

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1 to the state treasurer for credit to the brain injury services  
2 fund; [~~and~~]

3 (6) Subsection F of Section 66-8-116.3 NMSA 1978  
4 to the state treasurer for credit to the drunkbusters fund; and

5 [~~(6)~~] (7) Subsection [F] G of Section 66-8-116.3  
6 NMSA 1978 to the state treasurer for credit to the court  
7 facilities fund."

8 Section 6. EFFECTIVE DATES. --

9 A. The effective date of the provisions of Sections 2  
10 through 5 of this act is July 1, 2005.

11 B. The effective date of the provisions of Section 1  
12 of this act is October 1, 2005.

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